

Introduced by Senator Mendoza

February 19, 2016

An act to add Section 54.27 to the Civil Code, relating to disability access.

LEGISLATIVE COUNSEL'S DIGEST

SB 1406, as introduced, Mendoza. Construction-related accessibility: public entities.

Existing law provides that individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, including hospitals, clinics, and physicians' offices, public facilities, and other public places. Existing law requires an attorney who sends or serves a complaint containing a claim of a violation of any construction-related accessibility standard, as defined, with respect to a place of public accommodation, to send a copy of the complaint to the California Commission on Disability Access within 5 business days of sending or serving the complaint and notify the commission of judgment, settlement, or dismissal of the claim or claims alleged in the complaint and other specified information within 5 business days of the judgment, settlement, or dismissal.

This bill would also require an attorney who sends or serves a complaint alleging a construction-related accessibility claim, as defined, against a public entity to send a copy of the complaint and submit the notification of judgment, settlement, or dismissal to the commission, as described above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 54.27 is added to the Civil Code, to read:

54.27. (a) An attorney who sends or serves a complaint alleging a construction-related accessibility claim against a public entity shall do both of the following:

(1) Send a copy of the complaint to the California Commission on Disability Access within five business days of sending or serving the complaint.

(2) Notify the California Commission on Disability Access within five business days of judgment, settlement, or dismissal of the claim or claims alleged in the complaint of the following information in a standard format specified by the commission:

(A) The date of the judgment, settlement, or dismissal.

(B) Whether or not the construction-related accessibility violations alleged in the complaint were remedied in whole or in part after the plaintiff filed a complaint.

(C) If the construction-related accessibility violations alleged in the complaint were not remedied in whole or in part after the plaintiff filed a complaint, whether or not another favorable result was achieved after the plaintiff filed the complaint.

(b) For purposes of this section, the following terms have the following meanings:

(1) “Construction-related accessibility claim” or “claim” means any claim of a violation of any construction-related accessibility standard, as defined by paragraph (6) of subdivision (a) of Section 55.52, with respect to a public building, public facility, or other public place.

(2) “Public entity” includes the state, the Regents of the University of California, the Trustees of the California State University and the California State University, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the state, except that “public entity” does not include “state entity” as defined in subdivision (d) of Section 7103 of the Public Contract Code.